



**PUBLIC TELEVISION**  
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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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In the Matter of )

)  
Reallocation of Television Channels )  
60-69, the 746-806 MHZ Band )

ET Docket no. 97-157

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**COMMENTS TO THE NOTICE OF PROPOSED RULE MAKING**

Submitted by:  
KUED Television  
101 Wasatch Drive  
Salt Lake City, Utah 84112

Date Submitted: 13 August 1997

**INTRODUCTION**

1. In its notice, the Commission stated its intention to alter the existing television band by removing current and future use of television channels 60-69. The Commission cited a need for public safety, fixed and mobile services as the reason for doing this. KUED-TV believes that this action could have a severe negative impact upon rural television and public safety within the stations own market as well as the markets in the surrounding Western states.

**BACKGROUND**

2. While translators and LPTV stations are considered a secondary service, they are the primary source of television to a large portion of this country. Because

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commercial and non-commercial stations use a chain of translators to reach communities that may be hundreds of miles away from the main transmitter. For example, the city of St. George is more than 250 miles from the main transmitter sites in Salt Lake, yet it is considered part of the same market. In order to reach the public in communities such as this, the television signal is relayed from one translator to the next until it reaches the community. When all stations are considered, this can create an elaborately interconnected web of translators.

3. The advent of DTV allocations has already put a severe strain on existing translator networks. The Commission itself in its DTV proceeding found insufficient spectrum to preserve all existing LPTV and TV translator stations. By removing 10 additional channel allocations, some parts of these translator networks simply will not be recoverable. For those stations that may be able to relocate their channel allocation, restoring translator operations will still cost the owners a significant amount. A preliminary study conducted in the northeast corner of Utah indicates that a total of 107 translators could be displaced or impacted, with a replacement cost of up to \$25,000 each. This large financial burden will be carried, for the most part, on the backs of local school districts (public/educational television), service groups (Lions Club, Rotary, Elks, Ect.) and municipal governments. This places an unfair burden upon the rural population of this country. It is a burden for which the local governments and citizens are not financially prepared.

4. In addition to financial considerations, there is a significant public safety risk involved in dislocating these LPTV and translator relay networks. Local commercial stations provide news access to breaking local stories that can help rural citizens realize imminent danger; more importantly, translator networks have been approved by the FCC as State Relays for the Emergency Alert System (EAS) in Utah. This state-of-the-art system was just implemented on January 1st of this year and has already helped save lives by using the broadcast media to relay important evacuation information quickly to citizens in rural communities. By removing these translator relays either technically or financially, the FCC will bar rural communities from receiving public safety information on the EAS system.

#### COMMENTS

5. KUED agrees with the Commission in its assessment of the needs found in the Public Safety Wireless Advisory Committee report (PSWAC) *as they relate to major, RF-intensive markets*. KUED does not believe that a rule making such as this should apply to the entire country when only 21 major markets are specified in the report.<sup>1</sup> Most markets, such as Utah, have many unused public safety frequencies. Most public safety organizations are not financially able to operate on all the frequencies currently allotted to them. KUED asks that the Commission consider changing the wording of this rule to allow for public safety, fixed and mobile services in this band only when (1) that need can be clearly demonstrated,

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<sup>1</sup> Public Safety Wireless Advisory Committee Report, Page 6 ¶ 1.7

(2) the organization requesting the bandwidth can demonstrate adequate financial backing, and (3) no other frequencies are available.

6. KUED urges the Commission, as is suggested in Paragraph 20 of the NPRM, to delay the auction and reallocation of these frequencies until the end of the DTV transition period. At that time sufficient bandwidth should be available to relocate displaced full service and secondary service transmitters.

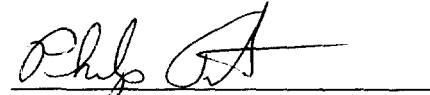
7. KUED agrees with the Commission when it states *“Public Safety services are essential to the well being of the American public.....Radio-based communications allow public safety agencies to pass information quickly, coordinate their efforts, and warn of impending danger.”*<sup>2</sup> The EAS network has proven itself an essential radio-based tool for public safety. KUED asks that the Commission exempt from this process any LPTV or Translator that carries the EAS signal as part of an FCC approved relay system where that system is a designated State Primary or State Relay. Furthermore, these stations should be protected from interference generated by the operation of public safety, fixed and mobile signals in this band that may impede or prevent the dissemination of the EAS signal.

8. KUED asks that the Commission consider wording in this Rule Making that would make it a mandatory part of the approval process for a new licensee to

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<sup>2</sup> Notice of Proposed Rule Making, ET Docket 97-157, FCC 97-245, ¶ 8

enter into a signed agreement with the incumbent LPTV or Translator operator whereby the incumbent is financially reimbursed by the licensee for the costs of moving to a new frequency.

A handwritten signature in black ink, appearing to read "Philip Titus", written over a horizontal line.

Philip Titus  
Director of Engineering, KUED-TV